



136 North Monroe Street
Waterloo, WI 53594-1198
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PUBLIC NOTICE OF A COMMITTEE MEETING OF THE COMMON COUNCIL OF THE CITY OF WATERLOO

Pursuant to Section 19.84 Wisconsin Statutes, notice is hereby given to the public & news media, that the following meeting will be held:

COMMITTEE: PUBLIC WORKS & PROPERTY COMMITTEE
DATE: December 2, 2021
TIME: 6:00 p.m.
LOCATION: Municipal Building Council Chambers, 136 N. Monroe Street (in-person or remote)

Join Zoom Meeting : <https://us02web.zoom.us/j/85490344222?pwd=N2xUakhqR3p1SDZCWm5ZbGZnK1poUT09>
Dial-In By Phone: +1 312 626 6799 US (Chicago)
Meeting ID: 854 9034 4222 Passcode: 015919

1. CALL TO ORDER AND ROLL CALL
2. APPROVAL OF MEETING MINUTES – November 4, 2021
3. CITIZEN INPUT / PUBLIC COMMENT
4. PROJECT OVERSIGHT & UPDATES
 - a. Project Treyburn Lot 2 Closing Scheduled
 - b. Remnant Land Project, Follow-ups
 - c. WisDOT Funding Submittals
5. UNFINISHED BUSINESS
 - a. 2021 Pavement Ratings Presentation, Mitch Leisses KEG (no information update expected)
 - b. Street And Utility Improvements: Out-Year Project Plans, Recommending An Updated Plan To The City Council
 - c. Restarting An Annual Sidewalk Repair Program (November discussion follow-up)
 - d. Coordinating Private Well Regulation As A Waterloo Utilities Water Fund Matter
 - e. Review Of City Forestry Plan
 - f. Improving Street Lighting At Intersection Of Madison and Monroe Street (Plan Commission referral)
 - g. Town Of Waterloo And City Of Waterloo Agreement Pertaining To Waterloo Road And Waterloo Road Culvert
6. NEW BUSINESS
 - a. 2022 Jefferson/Leschinger Project Proposed Change In Scope Of Work (Polk St & Stormwater)
7. FUTURE AGENDA ITEMS AND ANNOUNCEMENTS -- Committee Calendar
8. ADJOURNMENT

Mo Hansen
Clerk/Treasurer

Committee Members: Petts Weihert and Cummings

posted, e-mailed & distributed: 11/30/2021

PLEASE NOTE: IT IS POSSIBLE THAT MEMBERS OF AND POSSIBLY A QUORUM OF MEMBERS OF OTHER GOVERNMENTAL BODIES OF THE MUNICIPALITY MAY BE IN ATTENDANCE AT THE ABOVE MEETING(S) TO GATHER INFORMATION. NO ACTION WILL BE TAKEN BY ANY GOVERNMENTAL BODY OTHER THAN THAT SPECIFICALLY NOTICED. ALSO, UPON REASONABLE NOTICE, EFFORTS WILL BE MADE TO ACCOMMODATE THE NEEDS OF DISABLED INDIVIDUALS THROUGH APPROPRIATE AIDS AND SERVICES. FOR ADDITIONAL INFORMATION OR TO REQUEST SUCH SERVICES PLEASE CONTACT THE CLERK'S OFFICE AT THE ABOVE LOCATION.

CITY OF WATERLOO PUBLIC WORKS & PROPERTY COMMITTEE MEETING MINUTES: November 4, 2021

Digital audio files are archived with these written minutes additionally serving as the official record.

1. CALL TO ORDER AND ROLL CALL. Committee members present: Petts, Weihert & Cummings. Absent: none. Others attending: Waterloo Town Chair Scott Hassett; Public Works Director Yerges and Clerk/Treasurer Hansen.
2. APPROVAL OF MEETING MINUTES – September 2, 2021 (no quorum October 7, 2021). MOTION: [Weihert/Petts] Voice Vote: Motion carried with Cummings abstaining.
3. CITIZEN INPUT / PUBLIC COMMENT. None.
4. PROJECT OVERSIGHT & UPDATES
 - a. Assessor's 2020-2021 Property Revaluation. Noted.
 - b. Project Treyburn Lot 2. Noted as one lot left to sell.
 - c. Remnant Land Project, follow-ups. Hansen said Tim Thomas said Mr. Archie was now willing to take ownership of municipal land, but Mr. Archie was difficult to reach to confirm this change.

NOTE: By consensus item 6g was moved to this agenda spot. The original sequence is maintained here.

5. UNFINISHED BUSINESS
 - a. 2021 Pavement Ratings Presentation, Mitch Leisses KEG (no information update expected). No action taken.
 - b. Street And Utility Improvements: Out-Year Project Plans, Recommending An Updated Plan To The City Council. No action taken.
 - c. Waterloo Fee Schedule, Review And Recommendations Relating To Public Works Department Services Charges And Similar. The body and Director Yerges forwarded updates for the Clerk/Treasurer to include in the update.
 - d. Review And Recommendations: Municipal Facility Needs (Multi-Year). No action taken.
 - e. DPW 2022 Budget Submittal: Capital Budget & Operational Budget. No action taken.
 - f. Project Close-Out Reviews (i) Adams Street and (ii) 203 East Madison Street. The review as presented in the prior (no quorum) meeting was presented a second time. No action taken.
6. NEW BUSINESS
 - a. Oversight Of Bid Process For Future Year Capital Purchases & Contract Services. No action taken.
 - b. Public Works Director's Fall Facility Inspection Report. Director Yerges said he did a check of facilities with nothing to report.
 - c. Restarting An Annual Sidewalk Repair Program MOTION: [Weihert/Cummings] directing the Public Works Director to develop a sidewalk repair program for calendar year 2023 with the 2022 being the planning year. VOICE VOTE: Motion carried.
 - d. Coordinating Private Well Regulation As A Waterloo Utilities Water Fund Matter. Alder Petts directed that the topic be organized for a December discussion with the Director identifying private wells.
 - e. Review Of City Forestry Plan. No action taken.
 - f. Improving Street Lighting At Intersection Of Madison and Monroe Street (Plan Commission referral). MOTION: [Weihert/Cummings] to defer until the December meeting. VOICE VOTE: Motion carried.
 - g. Town Of Waterloo And City Of Waterloo Agreement Pertaining To Waterloo Road And Waterloo Road Culvert. MOTION: Directing a draft agreement be prepared for the December meeting. VOICE VOTE: Motion carried. NOTE: Town Chair Hassett said he would provide a template if one is available from the Towns Association.
7. FUTURE AGENDA ITEMS AND ANNOUNCEMENTS -- Committee Calendar. Noted.
8. ADJOURNMENT. MOTION: [Weihert/Petts] to adjourn. Motion carried. Time: 6:50 pm.



Attest: Mo Hansen, Clerk/Treasurer

City of Waterloo Road / Utility Out-Year Project Plan				
Recommended and approved by the City Council 9/16/2021				
Year	Location	Description	Funding	Cost estimate (non-utility share)
2021	Adams Street (project approved as part of 2021 budget)	Reconstruct using Railroad Ave as design template	Tax levy: storm sewer, street & pedestrian areas; Waterloo Utilities rate revenue: water, sewer & electric	See current estimate on website
2022	Jefferson Street	Full reconstruct	same as above, 2021	to be determined
TBD	Hendricks (pending timing with other adjacent improvements (333 Portland Rd & Wastewater Treatment plant))	Full reconstruct	WisDOT funding and matching	\$450,000 matching grant awarded to City
2023	Waterloo Road	Road Resurfacing S Monroe Street to Sunset View Ln	same as above, 2021	to be determined
2024	Minnehaha Lane & Riverside Drive	Minnehaha Ln: Minnetonka to Indian Hills Drive Riverside Dr: Streator Ln to W Dickenson St	same as above, 2021	to be determined
2025	Van Buren Street	Reconstruct: W Polk Street to Knowlton ST	same as above, 2021	to be determined
2026	Taylor Street - North Van Buren Street	Full reconstruct	same as above, 2021	to be determined
2027	Maple Lane	to be determined	same as above, 2021	to be determined
2028	West Riverside Drive	to be determined	same as above, 2021	to be determined
2029	Henry Street	to be determined	same as above, 2021	to be determined
2022	Leschinger Street	to be determined	same as above, 2021	requested by Finance Comm.
2031	Jackson Street	to be determined	same as above, 2021	to be determined

City of Waterloo, Wisconsin
PRELIMINARY COST ESTIMATE
Waterloo Road



September 10, 2021

Revised: November 29, 2021

Removal of existing asphalt pavement from South Monroe Street/CTH O to Sunset View Lane. Evaluation of existing base material. Unsuitable material to be removed and replaced with approved base course material. Evaluation and replacement of failed culvert crossings. Fine grading of base course material to ensure positive drainage throughout lot. Placement of five inches of hot mix asphalt pavement.

Estimated Roadway Quantities

Quantity	Unit	Item	Unit Cost	Item Cost
7600	SY	Pulverize Asphalt Pavement	\$2.50	\$19,000.00
45	LF	Culvert Pipe, 60-Inch RCP	\$220.00	\$9,900.00
2	EA	End Wall, 60-Inch RCP	\$4,500.00	\$9,000.00
1	EA	Unclassified Excavation	\$5,000.00	\$5,000.00
700	CY	Undercutting and Base Course Material	\$36.00	\$25,200.00
325	TN	Base Aggregate Dense, 3/4-Inch	\$18.00	\$5,850.00
1600	SY	Geotextile Fabric	\$3.00	\$4,800.00
2100	TN	Hot Mix Asphalt Pavement, 5-Inch	\$85.00	\$178,500.00
200	LF	Steel Beam Guard	\$90.00	\$18,000.00
11500	LF	Epoxy Pavement Markings, 4-Inch	\$1.25	\$14,375.00
1500	SY	Topsoil and Seeding	\$14.00	\$21,000.00
1	LS	Erosion Control	\$10,000.00	\$10,000.00
1	LS	Traffic Control & Access	\$5,000.00	\$5,000.00
Engineering and Contingencies				\$32,562.50
Total Construction Cost				\$358,187.50

Mo Hansen

From: Kohn-Born, Jackie <jkohn@geo-logic.com>
Sent: Wednesday, November 10, 2021 12:38 PM
To: Mo Hansen; Sorenson, Barry; Chad Yerges
Cc: Leisses, Mitchell
Subject: E Polk Street - Cost Estimates
Attachments: E Polk Street Cost Estimates.pdf

ATTACHED TO THIS EMAIL ARE THREE ESTIMATES WITH VARYING SCOPES OF WORK. EACH PRESENTED WITH THE GOAL OF CONVEYING JEFFERSON STREET STORMWATER TO EXISTING STORMWATER FACILITIES ON ADAMS STREET VIA POLK STREET

Afternoon,

Please find attached the cost estimates for the various improvements to the storm sewer and roadway of East Polk Street, as discussed at our meeting yesterday. If there are any questions, please contact me or Mitch at your convenience.

Thank you,

Jackie Kohn – Born, PE
Design Engineer

Kunkel Engineering Group
a Geo-Logic Company
1115 South Main Street
West Bend, WI 53095
(920)763-8155
jkohn@geo-logic.com

www.kunkelengineering.com | www.geo-logic.com

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City of Waterloo, Wisconsin
PRELIMINARY ESTIMATE OF COST
E Polk Street Improvements - Full Reconstruction
November 10, 2021



Project limits from Jefferson Street to Adams Street. To include installation of storm sewer main, structures; installation of concrete curb and gutter, driveway approaches, curb ramps; placement of road base and asphalt pavement; restoration of disturbed areas.

Estimated Storm Sewer and Roadway Quantities (Full Reconstruct)

Quantity	Unit	Item	Unit Cost	Item Cost
500	LF	Storm Sewer Main and Leads, 12-Inch RCP	\$50.00	\$25,000.00
2	EA	Storm Sewer Catch Basin	\$2,500.00	\$5,000.00
1	EA	Storm Sewer Manhole	\$3,500.00	\$3,500.00
500	LF	Granular Backfill, Storm Sewer	\$7.00	\$3,500.00
850	LF	Concrete Curb and Gutter, 30-Inch	\$16.00	\$13,600.00
1500	SF	Concrete Driveway Approach, 6-Inch	\$8.00	\$12,000.00
1	LS	Unclassified Excavation	\$10,000.00	\$10,000.00
300	CY	Undercutting and Base Course Material	\$25.00	\$7,500.00
750	TN	Aggregate Base Dense, 1-1/4-Inch	\$18.00	\$13,500.00
900	SY	Geotextile Fabric	\$3.00	\$2,700.00
450	TN	Hot Mix Asphalt Pavement	\$75.00	\$33,750.00
500	SY	Topsoil, Seed, Fertilizer and Mulch	\$8.00	\$4,000.00
1	LS	Traffic Control and Access	\$1,000.00	\$1,000.00
1	LS	Erosion Control	\$500.00	\$500.00
Total Estimated Construction Cost				\$135,550.00
Engineering and Contingencies				\$12,199.50
Total Estimated Project Cost				\$147,749.50

PRELIMINARY ESTIMATE OF COST

E Polk Street Improvements - Pulverize and Overlay

November 10, 2021



Project limits from Jefferson Street to Adams Street. To include pulverizing of existing asphalt pavement; base course to be inspected and undesirable locations to be undercut and replaced with aggregate base course, as directed by the Engineer; asphalt pavement overlay to be placed at depth of four inches; restoration of disturbed areas.

East Polk Street Estimated Quantities

Quantity	Unit	Item	Unit Cost	Item Cost
2,000	SY	Pulverize Asphalt Pavement	\$2.00	\$4,000.00
250	CY	Undercutting and Base Course Material	\$25.00	\$6,250.00
550	TN	Hot Mix Asphalt Pavement	\$75.00	\$41,250.00
500	SY	Topsoil, Seed, Fertilizer and Mulch	\$8.00	\$4,000.00
1	LS	Traffic Control and Access	\$1,000.00	\$1,000.00
1	LS	Erosion Control	\$500.00	\$500.00
Total Estimated Construction Cost				\$57,000.00
Engineering and Contingencies				\$3,990.00
Total Estimated Project Cost				\$60,990.00

City of Waterloo, Wisconsin
PRELIMINARY ESTIMATE OF COST
E Polk Street Improvements - Utility Patch
November 10, 2021



Project limits from Jefferson Street to Adams Street. To include installation of storm sewer main, structures; placement of road base and asphalt pavement within the utility trench only; restoration of disturbed areas.

Estimated Storm Sewer and Roadway Quantities

Quantity	Unit	Item	Unit Cost	Item Cost
500	LF	Storm Sewer Main and Leads, 12-Inch RCP	\$50.00	\$25,000.00
2	EA	Storm Sewer Catch Basin	\$2,500.00	\$5,000.00
1	EA	Storm Sewer Manhole	\$3,500.00	\$3,500.00
500	LF	Granular Backfill, Storm Sewer	\$7.00	\$3,500.00
200	TN	Aggregate Base Dense, 1-1/4-Inch	\$18.00	\$3,600.00
100	TN	Hot Mix Asphalt Pavement	\$75.00	\$7,500.00
1	LS	Traffic Control and Access	\$1,000.00	\$1,000.00
1	LS	Erosion Control	\$500.00	\$500.00
Total Estimated Construction Cost				\$19,600.00
Engineering and Contingencies				\$1,372.00
Total Estimated Project Cost				\$20,972.00

A saturated, permeable, geologic formation that contains and will yield significant quantities of water.

EXISTING FACILITIES

Current facilities, practices and activities which may cause or threaten to cause environmental pollution within that portion of the City's wellhead protection area that lies within the corporate limits of the City. Existing facilities include but are not limited to the type listed in the Department of Natural Resources Form 3300-215, Public Water Supply Potential Contaminant Use Inventory Form, which is incorporated herein as if fully set forth.

GROUNDWATER PROTECTION OVERLAY DISTRICT

That portion of the recharge area for the City wells that lies within the City limits and in the City's extraterritorial plat approval jurisdiction as shown in the map attached hereto as Exhibit A and incorporated herein as if fully set forth.

RECHARGE AREA

The land area which contributes water to a well by infiltration of water into the subsurface and movement with groundwater toward the well. This area extends beyond the corporate limits of the City of Waterloo.

WELL FIELD

A piece of land used primarily for the purpose of supplying a location for construction of wells to supply a municipal water system.

§ 383-4 Groundwater Protection Overlay District standards.

- A. Separation distance. The following minimum separation distances shall be maintained within the Groundwater Protection Overlay District:
- (1) Fifty feet between a well and storm sewer main.
 - (2) Two hundred feet between a well and any sanitary sewer main, sanitary sewer manhole, lift station or single-family residential fuel oil tank. A lesser separation distance may be allowed for sanitary sewer mains where the sanitary sewer main is constructed of water main materials and joints and pressure tested in place to meet current American Waterworks Association (AWWA) C600 specification. In no case may the separation distance between a well and sanitary sewer main be less than 50 feet.
 - (3) Four hundred feet between a well and a septic tank or soil absorption unit receiving less than 8,000 gallons per day, a cemetery or a stormwater drainage pond.
 - (4) Six hundred feet between a well and any gasoline or fuel oil storage tank installation that has received written approval from the Wisconsin Department of Commerce (hereafter "Commerce") or its designated agent under § Comm 10.110, Wis. Adm. Code.
 - (5) One thousand feet between a well and land application of municipal, commercial or industrial waste; boundaries of a landspreading facility for spreading of petroleum-contaminated soil regulated under Ch. NR 718 while that facility is in operation; industrial, commercial or municipal wastewater lagoons or storage structures; manure stacks or storage structures; and septic tanks or soil absorption units receiving 8,000 gallons per day or more.

(6) One thousand two hundred feet between a well and any solid waste storage, transportation transfer, incineration, air curtain destructor, processing, wood burning, one time disposal or small demolition facility; sanitary landfill; any property with residual groundwater contamination that exceeds Ch. NR 140 enforcement standards that are shown on the Department of Natural Resources' geographic information system registry of closed remediation sites; coal storage area; salt or deicing material storage area; gasoline or fuel oil storage tanks that have not received written approval from Commerce or its designated agent under § Comm 10.110, Wis. Adm. Code; bulk fuel storage facilities; and pesticides or fertilizer handling or storage facilities.

B. Two groundwater overlay district zones. This District is hereby divided into Zone A and B.

(1) Zone A. Identified as the primary source of water for the municipal well aquifer and as the area most likely to transmit groundwater contamination to the municipal wells. Zone A is more restrictive than Zone B.

(a) Permitted uses, Zone A. The following uses are permitted uses within the groundwater protection Zone A. Uses not listed shall be considered prohibited uses.

[1] Parks, provided that there is no on-site waste disposal or fuel storage tank facilities associated with this use.

[2] Playgrounds.

[3] Wildlife areas.

[4] Nonmotorized trails, such as bike, skiing, nature and fitness trails.

[5] Residential, commercial and industrial property, which is municipally sewered and free of flammable and combustible liquid and underground storage tanks (USTs).

(b) Conditional uses, Zone A. Any use not specified in Subsection **B(1)(a)** above shall constitute a conditional use.

(2) Zone B. Identified as a secondary source of water for the municipal wells because of the large cone of depression and a greater time of travel. Zone B is less restrictive than Zone A.

(a) Permitted uses, Zone B. The following uses are permitted uses within the groundwater protection Zone B. Uses not listed shall be considered prohibited uses.

[1] All uses listed as permitted uses in Zone A.

[2] Aboveground petroleum product storage tanks less than 660 gallons. All new or replaced tanks shall be installed in compliance with Ch. Comm 10, Wis. Adm. Code.

[3] Residential, commercial and industrial property which is municipally sewered or has a state-approved sewer and septic system.

(b) Conditional uses, Zone B. Any use not specified in Subsection **B(2)(a)** above shall constitute a

Mo Hansen

From: William S. Cole <WCole@axley.com>
Sent: Monday, November 08, 2021 11:34 AM
To: Mo Hansen
Subject: RE: City of Waterloo follow-up / Alder Kuhl's Steven's Point code and coordinating private well regulation

You do.

William S. Cole

Phone: 608.283.6766
Axley Brynson, LLP

From: Mo Hansen <mhansen@waterloowi.us>
Sent: Monday, November 08, 2021 11:19 AM
To: William S. Cole <WCole@axley.com>
Subject: RE: City of Waterloo follow-up / Alder Kuhl's Steven's Point code and coordinating private well regulation

Bill,
Do we have the authority to regulate private wells within the City of Waterloo where we DO NOT provide municipal water service? The first sentence of NR 810.16 with the "and" seems to indicate we do not. Please advise.
Mo Hansen | Clerk/Treasurer | [City of Waterloo](#) | 920.478.3025

From: William S. Cole <WCole@axley.com>
Sent: Monday, November 08, 2021 11:08 AM
To: Mo Hansen <mhansen@waterloowi.us>
Cc: Megan J. Jerke <MJerke@axley.com>; Erika M. Pritchett <EPritchett@axley.com>
Subject: RE: City of Waterloo follow-up / Alder Kuhl's Steven's Point code and coordinating private well regulation

Mo,

Waterloo has the authority to impose regulations upon residents of the Town of Portland who receive water from the Waterloo Utility as a condition of receiving such service. However, Waterloo cannot regulate private property outside of Waterloo not receiving service from Waterloo. It would be up to the Town to implement a well abandonment and operational permit ordinance in accordance with NR 810.16.

Bill

William S. Cole

Phone: 608.283.6766
Axley Brynson, LLP

From: Mo Hansen <mhansen@waterloowi.us>
Sent: Friday, November 05, 2021 7:17 AM
To: William S. Cole <WCole@axley.com>
Subject: FW: City of Waterloo follow-up / Alder Kuhl's Steven's Point code and coordinating private well regulation

Bill,

Trying to prompt a local discussion about an appropriate community standard, or regulatory direction -- I've provided the following to elected officials and staff on the topic of coordinating private well regulation. I've added highlights for your take. Interested in your brief comments. Prior community thrust was in direction of minimal regulation of private wells located within City and not served by municipal water system. This is in line with how Stevens Point approaches it...

Mo Hansen | Clerk/Treasurer | City of Waterloo | 920.478.3025

From: Mo Hansen

Sent: Friday, November 05, 2021 7:08 AM

To: Charles Kuhl <alderatlargea@waterloowi.us>

Cc: Chad Yerges <dpw@waterloowi.us>; Barry Sorenson <bsorenson@waterlooutilities.com>; City of Waterloo, Mayor <mayor@waterloowi.us>; Eric Rhynes <alder2@waterloowi.us>; Mike Tschanz (mtschanz@waterloowi.us) <mtschanz@waterloowi.us>; Petts Jeanette (alder4-5@waterloowi.us) <alder4-5@waterloowi.us>; Rich Weihert (alderatlargeb@waterloowi.us) <alderatlargeb@waterloowi.us>; Ron Griffin (griffinrepair@gmail.com) <griffinrepair@gmail.com>; Sara Cummings (alder1@waterloowi.us) <alder1@waterloowi.us>; Thomas Tim (alder3@waterloowi.us) <alder3@waterloowi.us>

Subject: City of Waterloo follow-up / Alder Kuhl's Steven's Point code and coordinating private well regulation

Alder Kuhl,

Thanks for the Stevens Point municipal code chapter on well abandonment and well permit operation. Below is an general overview to aid the discussion of the topic raised at the 11/4 Public Works & Property Committee meeting on "Coordinating Private Well Regulation."

The set-up of this community's regulatory framework as it relates to private wells pre-dates me.

SEVERAL THOUGHTS – I can see long-time Utility Commissioner and Clerk/Treasurer Fred Halaus applying logic that goes something like this: (1) The municipal code mandates that all premises service by municipal water must hook up to the municipal water system [§ 340-26: Sewer and water connections required]. Enforcing 340-26 means having both an expensive private well and a municipal water service bill is redundant and cost prohibitive. Zero, or close to zero exist. If there are private wells, they are either high-capacity wells regulated by the state (McKay Nursery) or located in areas not served by Waterloo Utilities' water system and therefore NR 810.16 is not applicable -- as both conditions (private well and water system service provided) must apply for NR 810.16 to trigger. The Town of Portland has no such statutory provision requiring hook-up, so we had to permit those, *only where*, Waterloo Utilities provided municipal water service in the Town of Portland and there was an existing well.

To tie this logic to state language, see first of sentence of operative state regulation NR 810.16 titled: Local Well Regulation Program.

BACKGROUND 1 – Local well regulation program.

History: CR 09-073: cr. Register November 2010 No. 659, eff. 12-1-10; **correction in (intro), (1) (d) made under s. 13.92 (4) (b) 7., Stats., Register Januar**

NR 810.16 Local well regulation program. Water suppliers for municipal water systems and communities served by a municipal water system is required to prevent unused, unsafe and noncomplying wells from acting as vertical conduits for aquifer contamination or as sources of contamination.

- (1) A requirement that all water supply wells that do not have valid operational permits issued pursuant to sub. (2), wells which are not routinely inspected shall have an established date not to exceed one year from date of connection to the public system, or date of discovery or construction.
- (2) Provisions for a well operation permit renewable not less frequently than every 5 years that will allow retention and operation of wells with:
 - (a) That a minimum of one safe sample be taken prior to issuing or reissuing the permit to establish that the water is bacteriologically safe
 - (b) That the well and pump system be evaluated by a licensed well driller or pump installer and certified to comply with ch. NR 812 subchapter 1
 - (c) Prohibition of unapproved cross-connections between any private well and pump installations and the municipal water system.
- (3) Written documentation of the well and pump inspection indicating compliance with ch. NR 812 requirements using standardized forms
- (4) Submission of a copy of the well regulation ordinance or rule to the department.

History: CR 09-073: cr. Register November 2010 No. 659, eff. 12-1-10.

BACKGROUND 2 – NR12

STEVENS POINT'S CODE. At first reading of the Stevens Point ordinance, the regulatory framework seems similar to Waterloo's. It applies to properties served by both a private well and municipal water service. The Stevens Point language also may apply to utility customers outside the jurisdiction of the municipal system. For Waterloo, our "other" jurisdiction served is the Town of Portland.

32.01.05 Applicability

This Ordinance applies to all wells located on premises served by the Stevens Point municipal water system. Utility customers outside the jurisdiction of the municipal system may be required under contract agreement or utility rule to adopt and enforce equivalent ordinances within their jurisdictions for purpose stated in Section 32.01.04 of this Ordinance.

WHAT DOES WATERLOO HAVE IN PLACE TO PROTECT THE FRESH WATER AQUIFER BELOW OUR CITY? A framework for wellhead protection exists in Chapter 383 of the municipal code.

In 2009 at the request of Utility Commissioners and Waterloo Utilities, the City Council adopted Chapter 383: Wellhead Protection. No interest in regulation was expressed by Commissioners at that time.

- The chapter references a Groundwater Overlay District, but none have ever been defined or created.
- If a Groundwater Overlay District was approved by the governing body, property owners with an existing agricultural use would be exempt from its requirements.

QUESTIONS/CONSIDERATIONS FOR POLICY MAKERS

- What outcome(s) are we seeking to achieve during this review and coordination process?
- What degree of local regulation and what local mandates do elected officials want to impose on private well owners who are already served by the municipal water system?
 - I am assuming this category is McKay Nursery and perhaps the well at the School Chief Sorenson referenced the evening of 11/4.
- What degree of local regulation and what local mandates do elected officials want to impose on the owners of private wells not served the municipal water system?
 - Given NR 810.16 provided above, what authority from the state does municipal government have to impose regulation above and beyond existing state provisions already in place?
- What local expertise does the city currently have related to water quality, wellhead protection and water testing?
- What is the role of local government in mandating requirements? It may be interesting to consider applying the various forms of logic being shared as part of the current mask mandate discussions -- to private wells and public health matters surrounding clean drinking water.

I hope this has been an aid to further the policy discussion on the topic of regulating private wells.

Mo Hansen | Clerk/Treasurer | [City of Waterloo](#) | 920.478.3025

From: Charles Kuhl <alderatlargea@waterloowi.us>

Sent: Thursday, November 04, 2021 7:01 PM

To: Mo Hansen <mhansen@waterloowi.us>; Jeni Quimby <mayor@waterloowi.us>; Barry Sorenson <bsorenson@waterlooutilities.com>

Subject: Emailing CodeChapter32_201902191353259368.pdf

Charles Kuhl
Alderman at Large
City of Waterloo, Wisconsin

The following Code does not display images or complicated formatting. Codes should be viewed online. This tool is only meant for editing.

Chapter 383

Wellhead Protection

[HISTORY: Adopted by the Common Council of the City of Waterloo 3-5-2009 by Ord. No. 2009-02. Amendments noted where applicable.]

GENERAL REFERENCES

Nuisances — See Ch. 261.

Property maintenance — See Ch. 288.

Construction site erosion control — See Ch. 372.

Floodplain zoning — See Ch. 375.

Postconstruction stormwater management — See Ch. 377.

Subdivision of land — See Ch. 380.

Zoning — See Ch. 385.

§ 383-1 Title.

This chapter shall be known, cited and referred to as the "Wellhead Protection Ordinance" (hereinafter referred to as "WHP Ordinance").

§ 383-2 Purpose; statutory authority; application.

- A. Residents in the City of Waterloo depend exclusively on groundwater for a safe drinking water supply. Certain land use practices and activities can seriously threaten or degrade groundwater quality. The purpose of this chapter is to institute land use regulations and restrictions to protect the City's municipal water supply and well fields, and to promote the health, safety and general welfare of the residents of the City of Waterloo.
- B. Statutory authority of the City to enact these regulations was established by the Wisconsin Legislature in § 62.23(7)(a) and (c), and § 236.45, Wis. Stats. Under these statutes, the City has the authority to enact this chapter, effective in the incorporated areas of the City, and certain surrounding areas, to encourage the protection of groundwater resources.
- C. The regulations specified in this chapter shall apply within the City's corporate limits and to lands subject to the City's extraterritorial plat approval jurisdiction, as defined in § 236.02(5), Wis. Stats.
- D. The Waterloo Utilities Commission developed a Wellhead Protection Plan Study dated October 2008, which provides the background and technical basis for the development of this Chapter 383.

§ 383-3 Definitions.

The following terms shall have the following meanings:

AQUIFER

conditional use.

- C. Mapping. The location and boundaries of the zoning districts established by this chapter are set forth on the on the City Zoning Map which is incorporated herein and hereby made a part of this chapter. Said map, together with everything shown thereon and all amendments thereto, shall be as much a part of this chapter as though fully set forth and described herein.
- D. Existing facilities. Existing facilities located within Zones A or B as of the date of adoption of this Chapter **383**, which do not satisfy the separation distance requirements of Subsection **A**, shall nevertheless be deemed to be authorized conditional uses, subject to the requirements of § **383-6** below.

§ 383-5 Review of permit application.

- A. The Waterloo Plan Commission shall review all requests for approval of permits for land uses in the Groundwater Protection Overlay District. All determinations made by the City of Waterloo Plan Commission within this sixty-day period of limitation may be extended by the City of Waterloo Plan Commission for "good cause," as determined in the sole and absolute discretion of the City of Waterloo Plan Commission.
- B. Upon reviewing all requests for approval, the City of Waterloo Plan Commission shall consider all of the following factors:
 - (1) The City's responsibility, as a public water supplier, to protect and preserve the health, safety and welfare of its citizens.
 - (2) The degree to which the proposed land use practice, activity or facility may seriously threaten or degrade groundwater quality in the City of Waterloo or the City's recharge area.
 - (3) The economic hardship which may be faced by the landowner if the application is denied.
 - (4) The availability of alternative options to the applicant, and the cost, effect and extent of availability of such alternative options.
 - (5) The proximity of the applicant's property to other potential sources of contamination.
 - (6) The then-existing condition of the City's groundwater public water wells and wellfields, and the vulnerability to further contamination.
 - (7) The direction of flow of groundwater and other factors in the area of the applicant's property which may affect the speed of the groundwater flow, including topography, depth of soil, extent of aquifer, depth to water table and location of private wells.
 - (8) Any other hydrogeological data or information which is available from any public or private agency or organization.
 - (9) The potential benefit, both economic and social, from the approval of the applicant's request for a permit.
- C. In granting any conditional use authorized under § **383-4**, the Plan Commission may waive or reduce the

separation distances otherwise required under § 383-4A, whenever the public interest will be served thereby and provided that appropriate precautions are taken to minimize the risk of release of any harmful contaminants. Any conditional uses granted under this Chapter 383 will be made conditional and may include environmental and/or safety monitoring which indicates whether the facility may be emitting any releases or harmful contaminants to the surrounding environment. The facility will be held financially responsible for all environmental cleanup costs. The City of Waterloo Plan Commission may require that a bond be posted for future monitoring and cleanup costs if deemed necessary at the time of granting an exemption.

- D. The applicant shall be solely and exclusively responsible for any and all costs associated with the application, including all of the following:
- (1) The cost of an environmental impact study if so required by the City of Waterloo or its designee.
 - (2) The cost of groundwater monitoring or groundwater wells if required by the City of Waterloo or its designee.
 - (3) The costs of an appraisal for the property or other property evaluation expense if required by the City of Waterloo or its designee.
 - (4) The costs of the City's employee's time associated in any way with the application based on the hourly rate paid to the employee multiplied by a factor, determined by the City, representing the City's costs for expenses, benefits, insurance, sick leave, holidays, overtime, vacation and other similar benefits.
 - (5) The cost of City equipment employed.
 - (6) The cost of mileage reimbursed to the City employees.

§ 383-6 Requirements for existing facilities and land uses.

- A. Existing facilities shall provide copies of all federal, state and local facility operation approvals or certificates and ongoing environmental monitoring results to the City of Waterloo.
- B. Existing facilities shall provide additional environmental or safety monitoring as deemed necessary by the City of Waterloo Plan Commission, specifically including the production of any and all environmental statements detailing the extent of chemical use and storage and property.
- C. Existing facilities shall replace equipment or expand in a manner that improves the existing environmental and safety technologies already in existence.
- D. Existing facilities shall have the responsibility of devising and/or filing with the City of Waterloo a contingency plan satisfactory to the Waterloo Plan Commission for the immediate notification of the appropriate City of Waterloo officers in the event of an emergency.
- E. Property owners with an existing agricultural use shall be exempt from requirements of this chapter as they relate to restrictions on agricultural uses; provided, however, that such exemption shall only apply to the property owners in existence at the time of passage of the chapter and this exemption shall not constitute a covenant running with the land.

§ 383-7 **Enforcement; violations and penalties.**

- A. Cleanup. In the event an individual and/or facility causes the release of any contaminants which endanger the Groundwater Protection Overlay District, the individual/facility causing said release shall immediately cease and desist, and provide cleanup satisfactory to the City of Waterloo.
- B. Costs. The individual/facility shall be responsible for all costs of cleanup and the City of Waterloo consultant fees at the invoice amount plus administrative costs for oversight, review and documentation, including all of the following:
- (1) The cost of City employees' time associated in any way with the cleanup based on the hourly rate paid to the employee multiplied by a factor determined by the City, representing the City's cost for expenses, benefits, insurance, sick leave, holidays, overtime, vacation and similar benefits.
 - (2) The cost of City equipment employed.
 - (3) The cost of mileage reimbursed to the City employees attributed to the cleanup.
- C. Monitoring. Following any such discharge, the City may require additional test monitoring or other requirements as outlined in §§ **383-6** and **383-7** herein.
- D. Violations. It shall be unlawful to construct or use any structure, land or water in violation of this chapter. Any person who is specifically damaged by such violations may institute appropriate action or proceeding to enjoin a violation of this chapter.
- E. Penalties. Any person, firm or corporation who fails to comply with the provisions of this chapter shall, upon conviction thereof, forfeit not less than \$100 nor more than \$500, plus the costs of the prosecution, for each violation, and, in default of payment of such forfeiture and costs, shall be imprisoned in the County Jail until payment thereof, but not exceeding 30 days, or, in the alternative, shall have such costs added to their real estate property tax bill as a lien against the property. Each day a violation exists or continues shall constitute a separate offense.

§ 383-8 **Subdivision denial.**

In the event any lands located within the City's extraterritorial plat approval jurisdiction as provided for in § 236.02(5), Wis. Stats, are proposed for subdivision, and in the further event such subdivision would permit land uses contrary to the terms of this Chapter **383**, there in such events, the proposed subdivision shall be denied as being in conflict with the land use provisions of this chapter.

§ 383-9 **Severability.**

If any section, subsection, sentence, clause, paragraph or phrase of this chapter is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, or other applicable administrative or governing body, such decision shall not affect the validity of any other section, subsection, sentence, clause, paragraph or phrase or portion thereof. The Common Council of the City of Waterloo hereby declares that they would have passed this chapter and each section, subsection, sentence, clause, paragraph or phrase thereof irrespective of the fact that any one or more other sections, subsections, sentences, clauses, paragraphs or phrases may be declared invalid or unconstitutional.

§ 383-10 **Conflicts.**

All ordinances in conflict with the foregoing are hereby repealed or amended to read consistent with this chapter.

City of Waterloo Public Works & Property Committee
Annual Calendar (rev. 7/30/2021)

- Meeting night: 1st Thursday of month at 6:00 pm
- Monthly recurring: (1) review of Capital Projects; (2) monitor defined Progress Measures

JANUARY
<input type="checkbox"/> Oversight of bid process for future year capital purchases & contract services
FEBRUARY
<input type="checkbox"/> Notify Mayor of reappointment interest
MARCH
<input type="checkbox"/> Identify grant application opportunities
APRIL
<input type="checkbox"/> Mayoral Committee appointments
MAY
<input type="checkbox"/> Review and realign Progress Measures as needed tying back to Comprehensive Plan
<input type="checkbox"/> Update annual calendar
<input type="checkbox"/> Tour of municipal facilities
<input type="checkbox"/> Public Works Director's Spring facility inspection report (added at Mayor's request)
JUNE
<input type="checkbox"/> Mayor's 2020 Budget start date.
JULY
<input type="checkbox"/> Traditional beginning of budget consideration with budget memo to department heads.
<input type="checkbox"/> § 53-14 Recommending updated multi-year capital improvement plan to Finance, Insurance & Personnel Committee
<input type="checkbox"/> Review DPW future year budget submittal
- Operational budget
<input checked="" type="checkbox"/> Programs & Services provided
- Capital Budget
<input checked="" type="checkbox"/> Street surface maintenance program
<input checked="" type="checkbox"/> Street/Utility reconstruction plan
AUGUST
<input type="checkbox"/> PASER review (<u>P</u> avement <u>S</u> urface <u>E</u> valuation & <u>R</u> ating) – A 1-10 rating system for road pavement condition using visual inspection to evaluate pavement surface conditions [NOTE: Updated by KEG in odd-years]
SEPTEMBER
<input type="checkbox"/> Review of municipal facility needs (multi-year)
OCTOBER
<input type="checkbox"/> Evaluating the municipal solid waste management system; trash-recycling service performance & contract
<input type="checkbox"/> Oversight of bid process for future year capital purchases & contract services
<input type="checkbox"/> Review of municipal facility needs (multi-year)
<input type="checkbox"/> Public Works Director's Fall facility inspection report (added at Mayor's request)
NOVEMBER
<input type="checkbox"/> Oversight of bid process for future year capital purchases & contract services
<input type="checkbox"/> Review of municipal facility needs (multi-year)
<input type="checkbox"/> Review of City Forestry Plan
DECEMBER
<input type="checkbox"/> Oversight of bid process for future year capital purchases & contract services
<input type="checkbox"/> Impact fee needs assessment update based on prior months review
<input type="checkbox"/> Review of municipal facility needs (multi-year)